

# The Europeanisation of National Administrations

*Patterns of Institutional Change and Persistence*

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**CAMBRIDGE**  
UNIVERSITY PRESS

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE  
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS  
The Edinburgh Building, Cambridge CB2 2RU, UK  
40 West 20th Street, New York, NY 10011–4211, USA  
10 Stamford Road, Oakleigh, VIC 3166, Australia  
Ruiz de Alarcón 13, 28014 Madrid, Spain  
Dock House, The Waterfront, Cape Town 8001, South Africa  
<http://www.cambridge.org>

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First published 2001

Printed in the United Kingdom at the University Press, Cambridge

Typeset in Plantin 10/12pt System 3B2 [CE]

*A catalogue record for this book is available from the British Library*

ISBN 0 521 80632 1 hardback  
ISBN 0 521 00092 0 paperback

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# 1 The keywords: European integration, comparative administration and implementation

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This study is concerned with the impact of European policies on national administrations. In selecting this research topic, one could in principle focus on both the formulation and implementation of European policies. One could argue that explaining domestic administrative change in the light of European policy requirements is not merely a matter of analysing the process of implementation but also, and primarily, a matter of analysing why and how certain policy choices have been made at the supranational level. Several studies on the dynamics of the supranational policy-making process seem to underline this necessity. Both research carried out in the field of health and safety at work and environmental policy indicates that supranational policy-making in these areas is characterised by a process of ‘regulatory competition’ between member states (Héritier *et al.* 1994; Héritier, Knill and Mingers 1996; Eichener 1996). Individual states strive to avoid potential costs of administrative adjustment emerging from European policies that diverge from domestic provisions. The competition between the existing national administrative systems, which is inherent in regulatory competition, may therefore be taken as the basic starting point for studying the impact of European policies on national administrations.

Although many analytical insights can be gained by examining administrative changes in the context of the whole European policy cycle, this study takes another path. Its main focus is on the process of European policy *implementation* at the *national* level and the administrative changes following from this. Hence, the patterns of administrative transformation at the national level are the dependent variable to be explained. The explanation of the supranational policy formulation process which led to the selection of the policy to be implemented is not within the scope of this study.

This is not meant entirely to exclude supranational policy formulation from the analysis. Rather it has to be considered in order to get a full understanding of the concrete content and the administrative implications of the policy decided upon. While being aware of the complex

constellation in which national administrative systems are both influencing and being influenced by European policies, an exclusive focus on implementation allows for a transnational comparison of administrative systems which are confronted with an identical set of European requirements. In other words, treating the EU legislation as independent input into the national sphere allows for a focus on the distinctive impact of national factors in shaping domestic responses to European policy demands.

In view of the underlying research focus, there are at least three research areas related to this study: namely, research on European integration; public administration; and policy implementation. To what extent can we rely on results from related research areas and to what extent can the analysis make new contributions potentially relevant in these fields?

### **1.1 Europeanisation and domestic change**

An important characteristic that distinguishes this study from earlier research on Europeanisation is its exclusive focus on domestic arrangements. They are conceived as the dependent variable which is affected by European policies. This contrasts with 'traditional' concepts of Europeanisation research, which are basically concerned with developments at the supranational level. Broadly speaking, these concepts examine the causal chain the other way round, by focusing on the extent to which domestic conditions affect the outcome of supranational institution-building and policy-making. Without neglecting this causal relationship, focusing on the Europeanisation of domestic arrangements examines the impact of already-established supranational arrangements at the national level.

With respect to 'traditional' research on European integration, two broad strands can be distinguished: intergovernmental relations and comparative politics. Whereas the discussion in intergovernmental relations is dominated by the two competing paradigms of intergovernmentalism and neofunctionalism, there are a growing number of European policy studies which bypass this long-standing debate by focusing on comparative politics and public administration literature (cf. Hix 1994; Héritier *et al.* 1994; Marks, Hooghe and Blank 1996; Héritier, Knill and Mingers 1996; Jachtenfuchs and Kohler-Koch 1996). The basic focus of both strands of research is on supranational institution-building and policy-making. Consequently, they provide only limited insights when it comes to the impact of European integration at the domestic level.

The two competing paradigms of neofunctionalism and intergovern-

mentalism were developed to explain the respective absence or occurrence of supranationality (Keohane and Hoffmann 1991; Moravcsik 1991, 1994; Burley and Mattli 1993).<sup>1</sup> With respect to institution-building, an important part of Europeanisation research focuses on the emergence and the development of European interest associations (Eising and Kohler-Koch 1994; Kohler-Koch 1994; Greenwood and Cram 1996; Knill and Lehmkuhl 1998).

Since the basic concern of these studies is related to developments at the supranational level, the impact of these developments on domestic structures and processes is hardly subject to consistent analysis. Domestic structures are not considered as dependent variables, but are analysed as factors which affect the interactions between the supranational and domestic levels. An important discussion in this context refers to the extent to which European integration might imply a redistribution of resources between national actors and institutions. Moravcsik (1994), for instance, argues that the political co-operation at the European level strengthens the autonomy of the executive actors in favour of other domestic actors, such as the parliament, interest groups, and regions.<sup>2</sup> This view is challenged by those claiming that the process of European integration provides subnational and societal actors at the domestic level with new resources that allow them to circumvent the national executives (Sandholtz 1996). A third position in this debate takes the view that the redistribution of resources among supranational, national, and subnational actors may neither strengthen nor weaken one level at the expense of the other, but that it implies a tendency towards shared and interlinked decision-making, and thus leads to new forms of co-operative governance (Kooiman 1993; Kohler-Koch 1998; Kohler-Koch and Eising 1999; Lenschow 1999).

For the purpose of this study, however, these findings seem to be of only limited relevance, since they contain no theoretical generalisations that allow for hypothesising on the scope and mode of domestic administrative change. First, traditional integration research is not directly concerned with domestic institutional change, but with potential power redistribution between domestic and European actors. Second, although the redistribution of power can be seen as a basic condition for

<sup>1</sup> Susanne K. Schmidt (1997a) demonstrates the explanatory deficits of each of these approaches, which she classifies as 'sterile debates' relying on 'dubious generalisations'.

<sup>2</sup> Moravcsik focused on this issue by arguing that national executives have powerful resources (they control and define policy initiatives, institutional procedures of domestic decision-making as well as the supply and access of information and ideas) that enable them to acquire some turf advantages by transferring policies from the national to the supranational arena. This argument of the 'paradox of weakness' is also inherent in other analyses (cf. Grande 1996; Kohler-Koch 1996).

subsequent institutional change, the above-mentioned concepts do not specify general conditions under which such changes actually take place. For instance, concepts like policy networks or multilevel governance, which are applied to integrate the national and subnational levels into the analysis, are basically metaphorical and allow only for limited generalisations about the extent to which European integration might result in changes of domestic institutions (Aspinwall and Schneider 1997). This deficit is further enhanced by the fact that there is obviously no agreement on the extent to which the European influence has affected the redistribution of domestic power or the direction of that redistribution. A third aspect which restricts the relevance that these concepts have to this study is their focus on political rather than administrative institutions and actors. Although political and administrative changes might be closely related, administrative changes are only indirectly integrated into the analysis.

It is only since the mid-1990s that research on Europeanisation has begun to focus more systematically on the domestic impact of EU policy. Andersen and Eliassen (1993) or Mény, Muller and Quermone (1996), for instance, examined how activities in Brussels impacted upon the national policy-making processes. Héritier, Knill and Mingers (1996) analysed the impact of European environmental policies on domestic regulatory regimes from a cross-country perspective. Vivien Schmidt (1996) examined the Europeanisation process in reference to domestic governance structures in France. Kohler-Koch and others (1998) have documented this process at the subnational level by examining the influence of the EU on regional governments, policies and outcomes.

Notwithstanding a growing number of studies characterised by a systematic and exclusive focus on the domestic impact of Europe, however, we are still confronted with rather limited and inconsistent empirical and theoretical findings (Knill and Lehmkuhl 1999; Radaelli 2000). On the one hand, empirical evidence indicates rather contradictory patterns with respect to the scope and direction of national change. While some authors emphasise that European policy has led to a convergence of national styles and structures (Harcourt 2000; Schneider 2001), others stress the ways in which it has had a differential impact, with domestic responses to EU policies varying considerably across policies and countries. The same European policy might cause fundamental reforms in one country while having no impact at all in others. In the same country we might observe considerable regulatory adjustments to certain European policies, while nothing at all happens in other areas (Knill and Lenschow 1998, 2001; Héritier *et al.* 2001; Caporaso, Cowles and Risse 2001).

On the other hand, we are confronted with a rather unsystematic theoretical picture when we look at the varying explanations developed in order to account for the impact of Europe on domestic arrangements and structures. There are a number of studies which rely on the institutional compatibility of European and domestic arrangements; i.e., the level of European adaptation pressure, as the most important variable in order to account for the domestic impact of Europe (Olsen 1995; Héritier, Knill and Mingers 1996; Börzel 1999). Others completely discard this institutional argument, focusing instead on the extent to which European policies have affected domestic opportunity structures and interest constellations (Majone 1996; Lehmkuhl 1999; Haverland 2000; Schneider 2001). Still another group of scholars emphasises the impact of European policies on belief systems, ideas and the expectations of domestic actors (Lavenex 1999; Checkel 2001).

In the literature, there is currently a broad discussion of how to link the different approaches within a more comprehensive and systematic framework. In this context, several approaches can be distinguished. Cowles and Risse (2001) define the existence of European adaptation pressure as the necessary condition for domestic change. For these changes actually to take place, a second, sufficient condition has to be fulfilled (see also Knill 1998; Börzel and Risse 2000; Knill and Lenschow 2001a). There have to be some facilitating factors which provide the basis for corresponding responses to the adaptational pressures, such as changing beliefs and preferences of domestic actors, the emergence of 'change agents' or 'favourable' institutional opportunity structures.

Héritier and Knill (2001), by contrast, emphasise that the existence of European adaptation pressure does not constitute a necessary condition for domestic change. They base this on observed cases in which European policies led to national reforms, although European and domestic arrangements were fully compatible. They suggest a dynamic approach which conceives of European policies basically as input into the domestic political process that might be exploited by national actors in order to enhance their opportunities for achieving their objectives. In this context, the degree and direction of domestic change depends on the distinctive constellation of three interacting factors: namely, the stage of national regulation in relation to European policies (pre-reform, reform, post-reform), the level of sectoral reform capacity, as well as the prevailing belief systems of the domestic actors. The particular combination of these factors not only affects which domestic actors are strengthened or weakened by EU legislation, but also whether those actors benefiting from European influence are actually able to exploit

effectively their new opportunities, putting through regulatory reforms consistent with their interests.

While the above approaches argue in favour of a comprehensive approach to the study of Europeanisation, Knill and Lehmkuhl (1999) suggest differentiating and qualifying different explanatory approaches depending on the particular mechanism by which European policies impact upon domestic arrangements. They argue that the more European policies positively prescribe or impose a concrete model for domestic compliance, the more relevance the level of adaptation pressure has for explanation (cf. Kohler-Koch 1999: 26). The perspective on the level of adaptation pressure is of limited use, however, when the impact of European policies basically operates through the mechanism of changing domestic opportunity structures and/or belief systems. In such cases, approaches focusing on the European impact on the strategic opportunities and constraints as well as on the preferences and beliefs of national actors provide a more promising analytical starting-point.

While this theoretical debate offers important analytical insights for this study, we are still confronted with a variety of different and partially opposing approaches. More specifically, there still seems to be a strong disagreement as to whether either institution-based perspectives (starting from the concept of adaptation pressure) or actor-based perspectives (focusing on belief systems, preferences and the strategic interaction of domestic actors) constitute the most fruitful approach to account for the domestic impact of EU policies.

In view of these inconsistencies, in this book I intend to contribute to this ongoing debate on the empirical and theoretical impact of Europeanisation. In focusing on national administrative systems, the study provides empirical knowledge on the domestic impact of Europe in a field which has thus far received comparatively little attention in Europeanisation research. Moreover, by taking a comparative focus (across different policies and member states) I aim to offer new theoretical insights to account for the different national responses to European policies; this will help to improve and qualify existing explanatory approaches. In this context, the main concern is to establish a complementary link between different theoretical perspectives on Europeanisation.

## **1.2 Comparative public administration**

Given its focus on the comparative analysis of domestic administrative change, the underlying study is closely related to the field of comparative

public administration. However, findings from this field provide only limited theoretical insights concerning the European impact on national administrative systems. Hardly any comparative studies exist which systematically investigate the conditions for administrative change from a cross-national perspective.

The generally limited theoretical development of public administration research is certainly one important factor in explaining this lack of systematic comparison (Peters 1988). On the one hand, there is a broad range of studies which focus on the micro-level of administrative organisations. This body of literature is generally descriptive and characterised by a normative and ameliorative bias; i.e., with an emphasis on improving administrative practice. In addition, most of these studies are based on single countries, and they do not seek to provide broader theoretical and conceptual perspectives (cf. Ridley 1979; Derlien 1995; Pierre 1995). On the other hand, to the extent to which students of public administration have been interested in theory, it has been theory (like Weber's) which stressed structural similarities of all public administrations (cf. Crozier 1964; Wilson 1989; Page 1992); for example, the political influence exerted by the bureaucracy on policy formulation and implementation has been examined. Hence, it was frequently assumed that very little variation did occur in public administration (Peters 1996: 15). In short, research in public administration lacks a systematic theoretical linkage between the descriptions of minute differences in structures and processes and the macro-perspective emphasising bureaucratic similarities across countries.

This general statement does not imply that no efforts have been made to bridge the gap between micro-level description and macro-level theorising. There are at least some studies which provide more conceptual and analytical insights into administrative differences across nations (cf. Aberbach, Putnam and Rockman 1981; Jann 1983; Page 1992; Peters 1995; Bekke, Perry and Toonen 1996). However, all of these studies are based on a static comparison; they do not systematically explain the dynamics of the administrative systems in question (Peters 1996: 16). While providing important analytical insights for the comparative analysis of public administration in general, they contain little information which would allow for hypothesising on the patterns of administrative adaptation to external (in our case European) requirements.

This deficit still applies, notwithstanding the fact that – in the context of the global wave of NPM concepts – there has been a growing interest in investigating administrative reforms across countries (cf. Wright 1994; Pierre 1995; Flynn and Strehl 1996; Olsen and Peters 1996;

Hood 1996). These studies start by examining differences in domestic administrative changes in the light of the convergent pressures emanating from the cluster of reform ideas that have been dominating the international discourse since the 1980s. These ideas provide a global diagnosis and a standard solution to the ills of the public sector; they recommended replacing the concept of administration based on due rules and process with NPM concepts emphasising goals and results and giving private firms an exemplary role in public-sector reform (Wright 1994; Olsen and Peters 1996: 13).

The analytical insights gained in these studies are nevertheless of limited value for the purpose of this study. First, this study is concerned with the impact of European policy requirements on domestic administrations rather than the diffusion effects of international reform waves and public sector management ideas. Given that there is a qualitative difference between the need to comply with European legislation and the opportunity to engage voluntarily in management reforms circulating on the international agenda, generalisations on administrative change have to be treated with caution. Second, many studies on public sector reforms are characterised by the deficits of the study of comparative public administration in general. In particular, they lack an analytical framework that allows for the comparative assessment of the scope and mode of administrative change across countries. Furthermore, they reveal important deficits with respect to comparatively operationalising the scope and mode of administrative changes in different countries.<sup>3</sup>

Besides administrative research with a purely national or cross-national focus, there is a growing body of literature which investigates the effects emerging from the interaction of national and supranational bureaucracies (Toonen 1992; Page and Wouters 1995; Wessels and Rometsch 1996). However, in taking a rather descriptive focus, these analyses contain no systematic information on the extent to which the interactions of European and domestic administrations yield domestic adjustment. Wessels and Rometsch (1996), for instance, provide quantitative evidence which underlines their hypothesis that there has been a 'fusion' of supranational and national bureaucracies. However, they are not specifying the ways in which increasing interactions and linkages between national and European administrations may lead to changes in domestic administrations. Toonen (1992) explicitly addresses this ques-

<sup>3</sup> For instance, in comparing the contributions of Derlien (1995, 1996a) and Hood (1995, 1996) in the same volumes (Pierre 1995; Olsen and Peters 1996), it becomes obvious that, although both authors use the language of 'reform'; the use of this term by Derlien seems to be highly exaggerated when contrasting the piecemeal German adjustments with the large-scale developments in Britain.

tion, but he confines his analysis to comparing the administrative conditions for the effective formal adoption of European legislation in the member states. Page and Wouters (1995), by contrast, hypothesise on the likelihood of domestic change, but their perspective concerns the extent to which the Brussels bureaucracy is seen as a model to be imitated at the national level,<sup>4</sup> rather than investigating the impact of European policy requirements, as is the purpose of this study.

In sum, given the lack of comparative theoretical and conceptual studies in the field of comparative public administration, it is difficult to develop general conclusions and assumptions on the scope and likelihood of administrative adjustments to external pressures emanating from EU legislation. This is not to say that past research in comparative public administration is not of importance for the purpose of this study. However, this requires that the findings from this field of research have to be linked to a comparative and conceptual framework. In this respect, this study addresses important research deficits in this field of inquiry.

### 1.3 Implementation research

A study which is concerned with domestic administrative changes emerging from the supranational policy requirements is closely related to questions of policy implementation. Assuming that European legislation contains administrative implications differing from domestic arrangements, implementation effectiveness can be expected to increase as domestic administrative arrangements are adapted to European policy requirements. From this perspective, effective implementation and domestic administrative change are congruent variables expressing similar research interests.

It must be emphasised that such a perspective necessarily implies a narrow definition of implementation. To be congruent with the conception of administrative change, effective implementation must be defined as the degree to which the formal transposition and the practical application of supranational measures at the national level correspond with the objectives defined in European legislation (Knill and Lenschow 2000). Hence, it is the *administrative compliance* with these objectives which is the concern of this study, rather than the evaluation of European policy outcomes and impacts.

<sup>4</sup> Page and Wouters (1995: 202) argue that despite the frequent interaction of national and supranational administrations, the 'isomorphy effects' (DiMaggio and Powell 1991) leading to a structural convergence of European and national bureaucracies will be limited. Given the 'adolescent' character of the Community bureaucracy (Peters 1992), it does not offer a coherent enough set of administrative principles, practices and rules to challenge the well-established administrative institutions of the member states.

In addition, its distinctive analytical focus implies two further restrictions in the way this study is linked to the huge body of implementation research. First, given the emphasis on administrative compliance with European requirements, the study necessarily analyses implementation 'from above'. Supranational legislation is taken as a starting-point and analysis concerns the extent to which European objectives have been complied with by corresponding domestic administrative adjustments. Hence, this study does not take the perspective of 'bottom-up' approaches which emphasise the importance of 'street-level bureaucrats' (Lipsky 1980) on the context-specific definitions of policy objectives and instruments (cf. Windhoff-Héritier 1987: 86–104; Peters 1993; Lane 1995). Second, by taking European policy programmes as an independent factor, I restrict my focus to a distinctive stage within the supranational policy cycle; namely, to the process of implementation. Although the benefits of analytically distinguishing different policy stages have been called into question (Sabatier 1993; Baier, March and Sætren 1990), for reasons outlined at the beginning of this chapter this study takes another path. European policies are 'taken for granted' (regardless of potential doubts on their quality), and the study concerns whether their institutional implications have been complied with or not.

Similar to the situation in the field of public administration, implementation research provides us only with limited theoretical concepts which can be usefully integrated in the context of this study. This can be explained by reference to two factors characterising implementation research in general. First, despite significant efforts during the 1980s, where implementation research was a 'flourishing industry', theory-building remained comparatively underdeveloped. With the increasing number of empirical case-studies it became more and more apparent that, given the high variety, singularity and contingency of implementation results, the ambitious plans for developing comprehensive and general theoretical models had to be abandoned (cf. Mayntz 1983: 8; Windhoff-Héritier 1987: 88). Hence, the number of generally applicable concepts remained low. They included, for instance, the assumption that implementation effectiveness decreases with the number of structural 'clearing points' which are involved during the implementation process (Pressman and Wildavsky 1973). Another argument refers to the fact that the success of implementation is not only dependent on policy characteristics and contents, but also on the preferences, capabilities and resources of subordinate administrative actors dealing with practical enforcement as well as societal actors addressed by the policy in question (Hanf and Downing 1982; Mayntz 1983). Without questioning the validity of these arguments, their limited degree of specifica-

tion hardly allows for general statements on the scope and mode of domestic administrative change with respect to particular European policies.

Second, in contrast to this study, most of the literature on implementation concentrates on policy types and policy problems rather than institutions. Thus, even where more systematic and comprehensive concepts were developed, they were either focusing on the appropriateness of certain policy instruments in the light of distinctive policy problems or on the design of optimal implementation structures, given a certain policy to be implemented (Hanf and Scharpf 1978; Linder and Peters 1989; Ingram and Schneider 1990; Peters 1993).

Given the peculiar focus and problems characterising implementation research, even those implementation studies taking an explicit focus on European policies provide only limited systematic insights into the question of domestic administrative change. The focus of European implementation studies is either descriptive, and restricted to the formal mechanisms of policy adoption in the member states (Siedentopf and Ziller 1988; Schwarze, Becker and Pollak 1994), or directed towards the improvement of overall implementation effectiveness by focusing on statutory design and sanction mechanisms (Collins and Earnshaw 1992).

In view of the theoretical and conceptual weaknesses characterising implementation research, a systematic investigation of the conditions affecting the adjustment of national administrative arrangements to the requirements spelled out in EU legislation has considerable potential to offer new insights on the factors shaping the implementation effectiveness of EU policy.